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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,394	07/13/2005	Katsufusa Fujita	01488P00190US	3085

32116 7590 05/15/2007
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

EXAMINER

NGUYEN, TRAN N

ART UNIT	PAPER NUMBER
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2834

MAIL DATE	DELIVERY MODE
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05/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/542,394

Applicant(s)

FUJITA, KATSUFUSA

Examiner

Tran N. Nguyen

Art Unit

2834

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

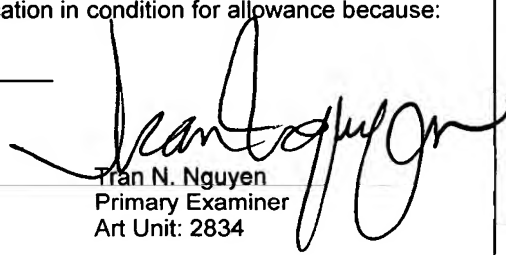
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-12.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
(see the attached Advisory Action).
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


Tran N. Nguyen
Primary Examiner
Art Unit: 2834

ADVISORY ACTION

The applicant argues that *"Action be withdrawn. In Amendment "A", Applicant rewrote claim 3/2 in independent form as claim 12. No other amendments were made to this claim. The Examiner changed the basis for the rejection of this claim and thus the finality of the Office Action is improper()*1.

Footnote: (1) Applicant noted in Amendment "A" that there was no rejection of claim 3/2 in the December 27, 2006 Office Action and thereby rewrote the claim in independent form as claim 12."

As record shows the original Claim 3 (as of 7/13/05) was written as: *"3. The skew shape variable laminated iron core as recited in claim 1 or 2"*

This means claim 3 EITHER depends from claim 1 OR from claim 2.

The First Office Action, filed on 7/11/06, and Final Office Action, filed on 12/27/06, both have the rejection against claim 3/1, i.e., claim 3 depends from claim 1.

By the remark *"Applicant noted in Amendment "A" that there was no rejection of claim 3/2 in the December 27, 2006 Office Action and thereby rewrote the claim in independent form as claim 12"* the patent attorney/agent seems to suggest that Claim 3 should be treated as if it depends from BOTH claim 1 AND 2. **If so, claim 3 would be in improper form because it is a multiple dependent claim.**

The patent attorney/agent of the present application is strongly suggested to review MPEP § 608.01(n) and 37 CFR 1.75(c)).

Furthermore, the applicant and specially the patent attorney/agent of the present application are advised to take a closer and more careful review of the Amendment "A", filed on 11/15/06, to see that the following self-evident amended claims:

Claim 1 was amended with

"wherein with the upper and lower layers laminated together and the caulking projection of the iron core piece of the upper layer fitted in the caulking hole of the iron core piece of the lower layer, the caulking projection of the iron core piece of the upper layer is movable

circumferentially within the caulking hole of the iron core piece of the lower layer to thereby allow the iron core pieces of the upper and lower layers to move relative to each other around the rotation center a predetermined amount, as determined by relative circumferential dimensions of the caulking projection of the core piece in the upper layer and caulking hole of the iron core piece of the lower layer."

Claim 5 was amended with

"after laminating the iron core piece in the upper and lower layers, relatively moving the iron core pieces in the upper and lower layers relative to the rotation center and thereby causing the caulking projection of the iron core piece of the upper layer to move circumferentially within the caulking hole of the iron core piece of the lower layer a predetermined amount as determined by relative circumferential dimensions of the caulking projection of the core piece in the upper layer and the caulking hole of the iron core piece of the lower layer."

NEW claims 6-12 were added also.

The attorney of the present application is strongly advised to revisit MPEP § 706.07(a).

The applicant's amendment "A" did necessitate the new ground(s) of rejection resulting in ACTION WAS MADE FINAL.

The request for withdrawing the Final Office Action of 12/27/06 is hereby denied.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N. Nguyen whose telephone number is 571-272-2030. The examiner can normally be reached on 7:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. (**Note: Use this Central Fax number 571-273-8300 for all official response.**)

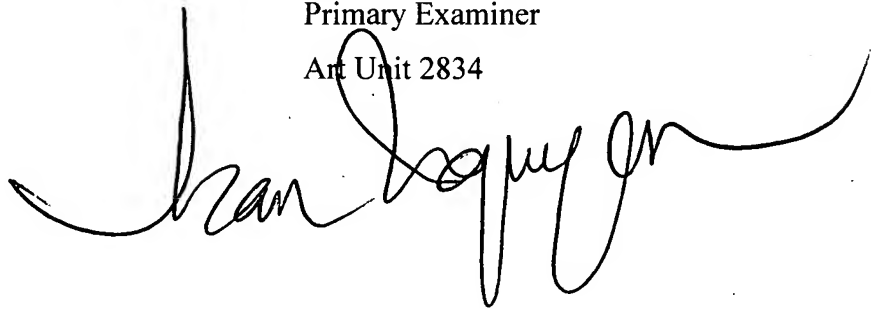
Do **not** use the Examiner's RightFax number without informing the Examiner first because, according to the USPTO policy, any document being sent via RightFax is treated as unofficial response and will not be officially dated until it is routed to the Central Fax.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tran N. Nguyen

Primary Examiner

Art Unit 2834

A handwritten signature in black ink, appearing to read 'Tran N. Nguyen', is written over the typed name and title.